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A FERTILE GROUND: THE EXPANSION OF HOLOCAUST DENIAL INTO THE ARAB WORLD

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Abstract: Despite documentation of the atrocities of the Holocaust, there are those who deny its occurrence. Previously, the Holocaust denial movement had been confined to the western world. Western Holocaust deniers, however, faced with opposition and legal restriction by countries such as the United States, Canada, France, and Germany, have expanded their efforts into many Arab nations, such as Egypt, Syria, and the Palestinian Authority. While Holocaust-inspired anti-Semitism is nothing new in these countries, the on-going Arab-Israeli conflict provides a fertile ground for efforts to promulgate Holocaust denial as a new anti-Semitic propaganda tool. Most disturbing is that many Arab governments and political leaders not only support, but even perpetuate Holocaust denial themselves. With no internal remedies in these Arab countries to suppress deniers' activities, the international community must act to combat Holocaust denial worldwide.

INTRODUCTION

In the 1930s Nazi rats spread a virulent form of anti-Semitism that resulted in the destruction of millions. Today the bacillus carried by these rats threatens to "kill" those who already died at the hands of the Nazis for a second time by destroying the world's memory of them. One can only speculate about the form of the bacillus' next mutation. All those who value truth, particularly truths that are subject to attack by the plague of hatred, must remain ever vigilant. The bacillus of prejudice is exceedingly tenacious and truth and memory are exceedingly fragile.¹

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¹ DEBORAH E. LIPSTADT, DENYING THE HOLOCAUST: THE GROWING ASSAULT ON TRUTH AND MEMORY, at xvii (1994).

The existence of the Holocaust is not a matter of debate.² The Nuremberg trials and the news reports and newsreel covering the liberation of the German concentration camps established the fact of the Holocaust.³ Despite such documentation, there are those who deny the very existence of this horrific scar on world history.⁴ Indeed, denial activity has increased in scope and intensity since the mid-1970s.⁵ Given the reality that the Holocaust soon will no longer be a "living history," such an increase in its denial is frightening.⁶ The Allies liberated the concentration camps almost sixty years ago; eyewitnesses of the Holocaust—victims as well as victimizers—are now elderly.⁷ Their first-hand, personal accounts of what happened in the concentration camps soon will cease to exist.⁸ To prevent a monstrosity like the Holocaust from occurring again, these accounts must be kept alive.⁹

To date, most scholarship on Holocaust denial addresses deniers' activities in the United States, Canada, and European countries. These countries have employed a variety of legal tactics to suppress the activities of Holocaust deniers.¹⁰ Faced with such opposition, deniers have extended their efforts to many Arab nations.¹¹ This Note considers the unique problem of the extension of Holocaust denial to the Arab world.

Part I of the Note reviews the history of the Holocaust denial movement in the United States, Canada, and Europe, and addresses

² *Id.* at 1. Lipstadt notes that participating in a debate with Holocaust deniers would give deniers an undeserved legitimacy and stature and would treat their anti-Semitic ideology as responsible historiography. *Id.*

³ MICHAEL SHERMER & ALEX GROBMAN, *DENYING HISTORY: WHO SAYS THE HOLOCAUST NEVER HAPPENED AND WHY DO THEY SAY IT?* 31-35 (2000); Geri J. Yonover, *Anti-Semitism and Holocaust Denial in the Academy: A Tort Remedy*, 101 DICK. L. REV. 71, 74 (1996).

⁴ LIPSTADT, *supra* note 1, at 17.

⁵ *Id.*

⁶ *Id.* at xi; Yonover, *supra* note 3, at 73.

⁷ Vera Ranki, *Holocaust History and the Law: Recent Trials Emerging Theories*, 9 CARDOZO STUD. L. & LITERATURE 15, 16 (1997); Yonover, *supra* note 3, at 73. There are an estimated 127,000 to 145,000 survivors living in the United States, and 800,000 worldwide, living mostly in Israel and the former Soviet Union. Amy Dockser Marcus, *As Survivors Age, Debate Breaks Out on Holocaust Funds*, WALL ST. J., Jan. 15, 2003, at A1, available at 2003 WL-WSJ 3956509; see also United States Holocaust Memorial Museum, Benjamin and Vladka Meed Registry Of Jewish Holocaust Survivors, at <http://www.ushmm.org/remembrance/registry/> (last visited Jan. 11, 2003).

⁸ Yonover, *supra* note 3, at 73.

⁹ See *id.*

¹⁰ See Credence Fogo-Schensul, *More Than a River in Egypt: Holocaust Denial, the Internet, and International Freedom of Expression Norms*, 33 GONZ. L. REV. 241, 247 (1997-98).

¹¹ *Id.* at 242.

some of those countries' legal responses to Holocaust denial. Part II discusses the deniers' expansion into Arab countries, such as Egypt, Syria, Lebanon, and the Palestinian Authority, where the Arab-Israeli conflict provides a fertile ground for adoption of Holocaust denial. Part III contends that the international legal community must act to impede the efforts of Holocaust deniers in those Arab countries where governments support and propagate Holocaust denial, resulting in no internal monitoring of denial activity.

I. HOLOCAUST DENIAL IN THE UNITED STATES, CANADA, AND EASTERN EUROPE

The words spoken by then General Dwight D. Eisenhower following World War II (WWII) are etched in stone above the entrance to the United States Holocaust Memorial Museum in Washington, D.C.: "The things I saw beggar description . . . I made the visit [to the Nazi death camps] deliberately, in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to propaganda."¹² The Nazis themselves acknowledged that the implausibility of what they had done would engender disbelief from the world.¹³ Once the Nazis were defeated, American soldiers were ordered to visit the death camps so that there would be eyewitness accounts of places like Auschwitz, Belsen, and Buchenwald.¹⁴ Additionally, after the war ended, the Nuremberg Tribunal focused on documenting all of the Nazi atrocities in order to preserve them in history.¹⁵

¹² Kenneth Lasson, *Holocaust Denial and the First Amendment: The Quest for Truth in a Free Society*, 6 GEO. MASON L. REV. 35, 37-38 (1997).

¹³ *Id.* at 37. Inmates at concentration camps testified that they were often taunted by their Nazi captors, who would say that even if the inmates survived, no one would believe the atrocities they would describe. *Id.*

¹⁴ *Id.*

¹⁵ See *id.* Most legal theorists and historians believe that law plays a valuable role in understanding the past. Lawrence Douglas, *Wartime Lies: Securing the Holocaust in Law and Literature*, 7 YALE J.L. & HUMAN. 367, 368 (1995).

In the case of the Holocaust, an appreciation of the special role that law can play in securing an adequate understanding of the past largely prompted the Allies at the end of World War II to agree upon a juridical response to Nazi crimes. The Nuremberg Trials, the Allies maintained, were less an instrument of retribution than one of pedagogy, in which the law would provide a public forum for historical instruction and neutral judgment.

Despite these efforts to record and remember the seemingly unbelievable horrors and devastating truth of the Holocaust, Holocaust denial, often called "Revisionism," has flourished worldwide in books, newspapers and newspaper advertisements, on the Internet, and in late-night public-access television.¹⁶ Holocaust deniers claim that the Holocaust never happened.¹⁷ As a result, countries such as the United States and Germany have taken varying legal responses in an effort to denounce the denial movement.¹⁸

A. History of the Denial Movement

The Holocaust denial movement finds its roots in the language employed by the Nazis.¹⁹ Immediately following WWII, defenders of Nazi Germany and critics of American involvement and postwar Allied policy emerged.²⁰ These groups, which included legitimate historians and extremist politicians and journalists, argued that the Holocaust was a political conspiracy promoted by the Roosevelt Administration to divert public attention away from the New Deal's failures.²¹ They stopped short, however, of claiming that the atrocities of the Holocaust never happened.²²

Within a few years of the liberation of the Nazi concentration camps, previous efforts to minimize Nazi atrocities were replaced with claims that the death of six million Jews was a complete fabrication,

¹⁶ See Lasson, *supra* note 12, at 35, 38. In response to the name "Revisionism," Lipstadt writes:

Because the movement to disseminate these myths is neither scholarship nor historiography, I have chosen to eschew the term *revisionism* whenever possible and instead to use the term *denial* to describe it. The deniers' selection of the name *revisionist* to describe themselves is indicative of their basic strategy of deceit and distortion and of their attempt to portray themselves as legitimate historians engaged in the traditional practice of illuminating the past.

LIPSTADT, *supra* note 1, at 20.

¹⁷ Ranki, *supra* note 7, at 22.

¹⁸ Fogo-Schensul, *supra* note 10, at 247.

¹⁹ Jewish Virtual Library, *Holocaust Denial* ¶ 8, at <http://www.us-israel.org/jsource/Holocaust/denial.html> (last visited Jan. 11, 2003) (hereinafter *Holocaust Denial*).

²⁰ See LIPSTADT, *supra* note 1, at 38, 47.

²¹ See *id.* at 38–47. Political conspiracy arguments included contentions that a Roosevelt-led military conspiracy had been perpetrated to drag the U.S. into war, as well as claims that minimized the severity of Germany's hostile actions by portraying Nazi Germany in a positive light and claiming that the Allies committed comparable wrongs. See *id.* at 38, 41.

²² *Id.* at 47.

an argument that is central to contemporary Holocaust denial.²³ While Holocaust denial found a receptive welcome in the United States during the 1950s and 1960s among individuals known to have connections with anti-Semitic publications and extremist groups, an organized propaganda movement did not begin until the late 1970s.²⁴

In 1979, the Institute for Historical Review (IHR), a "pseudo-academic enterprise in which professors with no credentials in history . . . convene to develop new outlets" for their anti-Semitic beliefs, was founded.²⁵ The IHR has an international network of activists²⁶ who write for the group's *Journal of Historical Review*, attend its annual conventions, and place revisionist advertisements in college newspapers, denying the existence of the Holocaust.²⁷

In addition to the IHR, a number of individual efforts to deny the Holocaust have gained prominence.²⁸ Unfortunately, many of these prominent deniers carry "the *câché* of academia."²⁹ For instance, David Leslie Hoggan wrote a dissertation at Harvard with the aid of Harry Elmer Barnes, an author of texts used at several American universities, claiming that no Jewish people were killed during or immediately following *Kristallnacht*.³⁰ Similarly, Arthur Butz, a Northwestern University professor of electrical engineering, pub-

²³ *Id.* at 49.

²⁴ See LIPSTADT, *supra* note 1, at 65; SHERMER & GROBMAN, *supra* note 3, at 43–46; JOHN C. ZIMMERMAN, HOLOCAUST DENIAL: DEMOGRAPHICS, TESTIMONIES, AND IDEOLOGIES 121 (2000); *Holocaust Denial*, *supra* note 19, ¶ 9.

²⁵ *Holocaust Denial*, *supra* note 19, ¶ 9.

²⁶ *Id.* Leading activists affiliated with the IHR have included Mark Weber, Bradley Smith, and Fred Leuchter (USA); Ernst Zundel (Canada); David Irving (England); Robert Faurisson (France); Carlo Mattogno (Italy); and Ahmed Rami (Sweden). *Id.* ¶ 11.

²⁷ *Id.* The advertisements are placed for the Committee for Open Debate on the Holocaust (CODOH). *Id.* The question of whether or not to publish these advertisements has been the source of controversial debate on college and university campuses. See Lasson, *supra* note 12, at 44. The IHR has succeeded in placing advertisements in about half of the campus newspapers to which the ads have been submitted. *Id.* Editors choosing to publish the advertisements defend their decisions on the basis of the First Amendment freedom of speech and the press, as well as their aversion to censorship. *Id.* Those refusing to publish the advertisement argue that the advertisements merely are disguised racial hatred and that the First Amendment does not require newspapers to publish every article, editorial, or advertisement submitted. *Id.* at 44–45.

²⁸ Fogo-Schensul, *supra* note 10, at 250. For example, in the United States, notorious freelance deniers include the National Association for the Advancement of White People, former Republican presidential candidate Patrick Buchanan, and pamphleteer Gary Lauck; in Canada, James Keegstra, an Alberta high school teacher; and in Germany, Guenther Deckert, a former high school teacher. *Id.* at 244, 251, 253.

²⁹ Yonover, *supra* note 3, at 77.

³⁰ *Id.* at 74.

lished *The Hoax of the Twentieth Century*; the book's central thesis was that the claim that millions of Jews were exterminated by the Nazis was a propaganda hoax to further Zionist ends.³¹

With the growth of the Internet, Holocaust denial is becoming increasingly pervasive.³² Currently, the most comprehensive denial websites are the IHR's website;³³ the Zundelsite,³⁴ administrated by German-Canadian IHR activist Ernst Zundel; and the CODOH's site,³⁵ which includes updates on its attempts to convince college newspapers to print its advertisements.³⁶

The increase in the scope and intensity of Holocaust denial reflects intellectual currents that emerged in the late 1960s, when scholars argued that texts had no fixed meanings.³⁷ According to these scholars, the reader's interpretation, not the author's intention, determined meaning.³⁸ Thus, "in academic circles some scholars spoke of relative truths, rejecting the notion that there was one version of the world that was necessarily right while another was wrong."³⁹ Such notions fostered the philosophy that no idea was beyond the realm of rational thought and created an atmosphere that allowed for questioning the meaning of historical events.⁴⁰

While these scholars were neither deniers themselves nor sympathetic to deniers, their views made it difficult to assert that there was anything "off limits," and made it impossible for them to denounce Holocaust denial as a movement with no scholarly, intellectual, or ra-

³¹ *Id.* at 75. See generally ARTHUR BUTZ, *THE HOAX OF THE TWENTIETH CENTURY* (1976). Holocaust denial in academia is not just an American phenomenon. Yonover, *supra* note 3, at 76. Other Holocaust deniers include Ernst Nolte, onetime chair of the modern history department at the Free University in Berlin and the University of Marburg; Werner Maser, professor at Halle University in Germany; Malcolm Ross and James Keegstra, Canadian schoolteachers; and Jean-Louis Bonnat, professor at the University of Nantes, France. *Id.* at 76-77.

³² Fogo-Schensul, *supra* note 10, at 242. Proliferation via the internet became apparent in 1996, when Northwestern University students drew media attention for protesting their school's housing of Butz's denial Website. *Id.* at 242-43.

³³ <http://www.ihr.org/top/links.html> (last visited Jan. 11, 2003).

³⁴ <http://www.zundelsite.org/> (last visited Jan. 11, 2003).

³⁵ <http://www.codoh.com> (last visited Jan. 11, 2003).

³⁶ Fogo-Schensul, *supra* note 10, at 245-46. There are several websites run by individuals and mainstream Jewish organizations devoted to rebutting Holocaust denial. *Id.* at 246-47. The most well known is that of the Nizkor Project. *Id.* at 246 n.39; The Nizkor Project, at <http://www.nizkor.org/> (last visited Jan. 11, 2003).

³⁷ See LIPSTADT, *supra* note 1, at 17-18.

³⁸ *Id.*

³⁹ *Id.* at 18.

⁴⁰ *Id.*

tional validity.⁴¹ The term "revisionism" emerged from this legitimate historical tradition of reevaluating history.⁴² In this way, deniers tactically adopted the term to acquire an "undeserved intellectual credibility."⁴³

B. Deniers' Claims

Throughout the development of the contemporary Holocaust denial movement, deniers have maintained that there was no genocide of the Jewish people leading up to or during WWII.⁴⁴ While deniers do not deny that Hitler's government engaged in persecution of Jews in Germany and German-controlled countries, they contend that the anti-Semitic actions of the Nazis were a response to Jewish disloyalty during wartime, no different from the wartime behavior of the western allies and the Soviet Union.⁴⁵ According to deniers, the term "Holocaust" refers to "a myth, a hoax, invented by the Jews, who invented it for money, to victimize Germans and to create the state of Israel The 'real victims' are the German people, Palestinians and

⁴¹ *Id.* at 18.

⁴² See LIPSTADT, *supra* note 1, at 20; see also SHERMER & GROBMAN, *supra* note 3, at 77–78. The term "revisionism" originated with historian William Appleman Williams' "Wisconsin School," which questioned American foreign policy, particularly as it related to the Cold War's origins and the conflict between the West and the Communist world. LIPSTADT, *supra* note 1, at 20–21.

⁴³ LIPSTADT, *supra* note 1, at 20. The academic community has spoken out about Holocaust denial. *Holocaust Denial*, *supra* note 19. The History Department at Duke University, in response to a CODOH ad, published the following statement:

That historians are constantly engaged in historical revision is certainly correct; however, what historians do is very different from this advertisement. Historical revision of major events . . . is not concerned with the actuality of these events; rather, it concerns their historical interpretation—their causes and consequences generally. There is no debate among historians about the actuality of the Holocaust . . . there can be no doubt that the Nazi state systematically put to death millions of Jews, Gypsies, political radicals and other people.

Id. Professors at other universities such as Rutgers University and Northwestern University have put forth similar statements. *Id.* Most significantly, in December 1991, the American Historical Association, the largest and oldest professional organization for historians, unanimously approved a statement condemning Holocaust denial and stating that "[n]o serious historian questions that the Holocaust took place." *Id.*

⁴⁴ Ranki, *supra* note 7, at 22.

⁴⁵ LIPSTADT, *supra* note 1, at 21; Anti-Defamation League (ADL), *Holocaust Denial: An Online Guide to Exposing and Combating Anti-Semitic Propaganda* ¶ 5, at <http://www.adl.org/holocaust/introduction.asp> (last visited Jan. 11, 2003) (hereinafter ADL).

Christians generally while the real perpetrators, the real 'Nazis' are Jews"⁴⁶

The IHR and other Holocaust deniers adopt three basic arguments.⁴⁷ First, deniers argue that the Nazis never had any plan for annihilating Jews, and that the means supposedly used for annihilation were technologically impossible.⁴⁸ Second, deniers contend that those Jews who were killed were killed for justifiable reasons.⁴⁹ Third, deniers maintain that Israeli and Jewish leaders and scholars have perpetuated the hoax of the Holocaust to serve their own material and political interests.⁵⁰

To support these incredulous claims, deniers make numerous assertions.⁵¹ For example, they argue that the absence of a single Nazi document expressly enumerating a "master plan" to annihilate the Jewish people proves that the Holocaust did not occur.⁵² In the absence of such an express "master plan," deniers further argue that the survivor testimony on which Holocaust scholars must depend is subjective and unreliable.⁵³ Additionally, deniers disclaim some of the most widely-accepted information regarding the Holocaust.⁵⁴ For instance, they deny that there were death camp gas chambers used for

⁴⁶ Ranki, *supra* note 7, at 22.

⁴⁷ LIPSTADT, *supra* note 1, at 99; SHERMER & GROBMAN, *supra* note 3, at 100. These basic assertions were formulated by Austin J. App, one of the most prominent American academic Holocaust deniers, and were offered to readers of his 1973 pamphlet *The Six Million Swindle: Blackmailing the German People for Hard Marks with Fabricated Corpses* as "eight 'incontrovertible assertions' that demonstrate the fallaciousness of the figure of six million, which the media kept repeating 'ad nauseam without any evidence.'" LIPSTADT, *supra* note 1, at 85, 94, 98-99 (emphasis in original).

⁴⁸ LIPSTADT, *supra* note 1, at 99. Deniers go on to assert that the Nazis only wanted Jews to emigrate, and that the USSR was responsible if any Jews did die. *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ See SHERMER & GROBMAN, *supra* note 3, at 100-01; *Holocaust Denial*, *supra* note 19, ¶¶ 26-53.

⁵² *Holocaust Denial*, *supra* note 19, ¶¶ 26-33. While there was no single document, the "Final Solution," the Nazis' comprehensive plan to murder all European Jews, was "the culmination of a long evolution of Nazi Jewish policy." *Id.* ¶ 27. Hitler maintained that "the Jewish question" was the pivotal question for his party, and he was recorded declaring that "the result of this war will be the complete annihilation of the Jews . . . [t]he hour will come when the most evil universal enemy of all time will be finished, at least for a thousand years." *Id.* ¶ 32.

⁵³ *Id.* ¶¶ 40-42. The Germans themselves, however, left no shortage of documentation and testimony to these events, and it is largely from these primary sources that the history of the Holocaust has been compiled. *Id.* ¶ 40.

⁵⁴ SHERMER & GROBMAN, *supra* note 3, at 100-01; see *Holocaust Denial*, *supra* note 9, ¶¶ 26-53.

mass murder.⁵⁵ They further deny the net loss of Jewish lives between 1941 and 1945, questioning the generally-accepted estimate that six million Jews died during this period.⁵⁶ Finally, deniers assert that the Nuremberg Trials, where much of the information about the Holocaust first became public and where the general history about the Holocaust was established, lacked objectivity and legal validity.⁵⁷ Instead, they argue that the trials were "a 'farce of justice' staged for the benefit of the Jews."⁵⁸

For a long time, Holocaust denial was dismissed as invalid.⁵⁹ Nonetheless, deniers' claims have had a powerful impact, despite their seemingly absurd message.⁶⁰ In April 1993, the Roper Organization conducted a poll to determine the extent of Americans' knowledge of the Holocaust.⁶¹ American adults and high school students were asked the following question: "Do you think it is possible or impossible that the Holocaust did not happen?"⁶² The results were astounding: 22% of adults and 20% of high school students answered that it was possible that the Holocaust did not happen.⁶³ Polls such as

⁵⁵ *Holocaust Denial*, *supra* note 19, ¶¶ 34–39. By October 1941, when the mass shootings of Jews became an increasingly unwieldy process, directors of the genocide met to discuss the use of gas chambers in the genocide program. *Id.* ¶ 35. Previously, gas chambers had been used as a central part of Hitler's eugenics program; between January 1940 and August 1941, a total of 70,273 physically handicapped or mentally ill Germans were gassed. *Id.* ¶ 34. Starting in November 1941, mobile gassing vans were used to kill Jews at Chelmno, Treblinka, and other sites. *Id.* ¶ 36. Gas chambers were installed and operated at Belzec, Lublin, Sobibor, Majdanek, and Auschwitz-Birkenau from September 1941 to November 1944. *Id.* ¶ 37. It is estimated that these gas chambers are responsible for the deaths of approximately two to three million Jews. *Holocaust Denial*, *supra* note 19, ¶ 37.

⁵⁶ *Id.* ¶¶ 43–46.

⁵⁷ *Id.* Twenty-one leading officials from the Nazi party, German government ministries, central bureaucracy, armament and labor specialists, and military and territorial chiefs were tried at Nuremberg. *Id.* ¶ 50. These trials, however, "did not result in either 'rubber stamp' guilty verdicts or identical sentences." *Id.* ¶ 51. Rather, of the twenty-one defendants, three were set free, one received a ten-year sentence, one a fifteen-year sentence, two received twenty-year sentences, three were sentenced for life, and eleven received the death penalty. *Holocaust Denial*, *supra* note 19, ¶ 51. It is important to note that valid legal and historical scholars, while never questioning the occurrence of the Holocaust, have examined the validity of the Nuremberg trials. For further discussion, see Steven Fogelson, Note, *The Nuremberg Legacy: An Unfulfilled Promise*, 63 S. CAL. L. REV. 833, 858–67 (1990).

⁵⁸ *Holocaust Denial*, *supra* note 19, ¶ 47.

⁵⁹ See LIPSTADT, *supra* note 1, at xi.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* Lipstadt comments in a footnote that, ironically, those who conceived the poll considered omitting this question because they assumed that the affirmative responses would be insignificant in number. LIPSTADT, *supra* note 1, at xi, n.*.

this one suggest that Holocaust denial is not just a “wacky phenomenon,” but rather a serious threat to insuring that the memory of the Holocaust lives on.⁶⁴

C. Legal Responses

Using a variety of legal tactics, countries such as the United States, Canada, England, France, and Germany have thwarted the efforts of Holocaust deniers.⁶⁵ For example, in the United States, a unique hybrid contract/tort cause of action prevailed against the IHR.⁶⁶ In Germany, Holocaust deniers have been prosecuted successfully under racial defamation or hate crime laws.⁶⁷ Such responses in these countries have helped to thwart deniers' efforts to promulgate their claims.⁶⁸

1. The United States

The United States provides strict protection for speech and expression under the First Amendment to the Constitution.⁶⁹ While there are certain contexts in which the regulation of free speech has been deemed constitutional,⁷⁰ these contexts have been increasingly restricted over the course of the last several decades.⁷¹ For example, during World War I, courts allowed speech restrictions where proposed speech constituted a “clear and present danger” to society.⁷²

⁶⁴ *Id.* at xi.

⁶⁵ See Fogo-Schensul, *supra* note 10, at 247.

⁶⁶ See Yonover, *supra* note 3, at 85; Dennise Mulvihill, Comment, Irving v. Penguin: *Historians on Trial and the Determination of Truth Under English Libel Law*, 11 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 217, 218 (2000).

⁶⁷ *Holocaust Denial*, *supra* note 19, ¶¶ 20–21. “To deny the Holocaust is to defame the dead and to cause direct suffering to the survivors of the Death Camps, their children and grandchildren, as well as to the relatives of those who died.” Yonover, *supra* note 3, at 77. The language of Holocaust denial is that of group defamation, and there is a strong connection between anti-Semitism and Holocaust denial. *Id.* at 77–78. Holocaust denial establishes a climate of animosity, racial hatred, and repression. *Id.* Thus, a number of nations have enacted laws forbidding certain forms of hate speech. *Id.* at 78.

⁶⁸ See *id.*

⁶⁹ Fogo-Schensul, *supra* note 10, at 247. The traditional justification for deference to the First Amendment's guarantee of free speech is the need to encourage an open and unregulated exchange of ideas. See Lasson, *supra* note 12, at 64.

⁷⁰ Charles Lewis Nier III, *Racial Hatred: A Comparative Analysis of the Hate Crime Laws of the United States and Germany*, 12 DICK. J. INT'L L. 241, 266 (1995).

⁷¹ *Id.* at 267.

⁷² *Id.*; Friedrich Kübler, *How Much Freedom for Racist Speech?: Transnational Aspects of a Conflict of Human Rights*, 27 HOFTSTRA L. REV. 335, 348 (1998). Constitutional law regarding hate crimes originated in the Supreme Court's decisions regarding the prosecutions of

While initially interpreted to require the speech only to have a dangerous tendency to lead to unlawful action, the Supreme Court limited this standard in *Brandenburg v. Ohio*⁷³ to speech that is likely to cause or incite immediate violence.⁷⁴ Similarly, in *Chaplinsky v. New Hampshire*,⁷⁵ the Supreme Court established the doctrine of "fighting words," making it illegal, in the words of the New Hampshire statute, to "address any offensive, derisive, or annoying word to any person who is lawfully in any street or any public place . . . nor make any noise or exclamation in his presence and hearing with intent to deride, offend or annoy him."⁷⁶ However, this doctrine was restricted in *Cohen v. California*⁷⁷ and *Lewis v. City of New Orleans*,⁷⁸ such that the use of the "fighting words" doctrine against racist speech has become quite limited in current practice.⁷⁹

For advocates and activists aiming to combat hate speech and hate crimes, this absolute commitment to the First Amendment often

individuals whose speech threatened to disrupt the draft during World War I. Nier, *supra* note 70, at 266.

⁷³ See generally 395 U.S. 444 (1969). Brandenburg was the leader of a Klu Klux Klan group who filmed a rally and then broadcast it on local and national television networks. *Id.* at 444–45. He was convicted under an Ohio statute for advocating crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform, and for voluntarily assembling with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism. *Id.* The Supreme Court reversed, holding the statute in violation of the First Amendment and stating that the mere abstract teaching of the necessity for a resort to force and violence is not the same as preparing a group for violent action and steering it to such action. *Id.* at 449; see Nier, *supra* note 70, at 266–267.

⁷⁴ *Brandenburg*, 395 U.S. at 449; see Nier, *supra* note 70, at 267.

⁷⁵ See generally 315 U.S. 568 (1942).

⁷⁶ *Id.* at 569. The Court stated that there are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which has never been thought to raise any constitutional problem. *Id.* at 571–72. Included in these classes are the lewd and obscene, the profane, the libelous, and insulting or "fighting" words. *Id.* at 572; see Nier, *supra* note 70, at 267.

⁷⁷ See generally 403 U.S. 15 (1971). The Court required that personally abusive epithets must be directed at a specific individual. *Id.* at 20; Nier, *supra* note 70, at 267.

⁷⁸ See generally 415 U.S. 130 (1974). At least one commentator believes the Court implied that a physical confrontation is necessary to invoke the doctrine of "fighting words." See *id.*; Nier, *supra* note 70, at 267.

⁷⁹ Nier, *supra* note 70, at 267. In *R.A.V. v. City of St. Paul*, the Minnesota Supreme Court initially rejected Plaintiff's First Amendment challenge using the doctrine of "fighting words." 505 U.S. 377, 391 (1992). The Supreme Court reversed, finding that while "fighting words" is a mode of expression not protected by the First Amendment, the St. Paul ordinance only applied to "fighting words" affecting race, creed, color, religion, or gender. *Id.* In failing to include prohibitions on other hostile expressions, such as political affiliation, union membership, or sexual orientation, the Court found the ordinance unconstitutional given its imposition of special prohibitions on certain disfavored subjects. *Id.*

leads to frustration.⁸⁰ The *Mermelstein* case in the early 1980s exhibits a creative approach to combating Holocaust denial in a democratic society.⁸¹ In that case, the IHR issued an offer in its magazine to pay \$50,000 to anyone who could prove that the Jews were gassed at Auschwitz.⁸² When the ad was ignored, the IHR decided to generate publicity by sending letters to a number of well-known survivors, challenging them again to prove the Auschwitz gassings.⁸³ Mel Mermelstein, a California resident and Auschwitz survivor, whose mother and sisters had been gassed in Auschwitz and whose father and brother were killed at a subcamp of Auschwitz, accepted the challenge.⁸⁴ Mermelstein filed a notarized affidavit with the IHR detailing his experiences at Auschwitz and giving the names of other eyewitnesses and scientific witnesses who could corroborate his account.⁸⁵ When the IHR refused to pay him, Mermelstein sued the IHR for breach of contract, intentional infliction of emotional distress, and other torts.⁸⁶

Although the case eventually settled, *Mermelstein* is significant because its unique causes of action avoided First Amendment scrutiny.⁸⁷ Of equal importance, the judge in the California Civil Court took judicial notice of both the Holocaust in general and the gassing of the Jews at Auschwitz specifically, stating that the gassings were facts not subject to dispute.⁸⁸

The *Mermelstein* case, as compared with other First Amendment cases, highlights the tensions in the United States surrounding the

⁸⁰ See *R.A. V.*, 505 U.S. at 391.

⁸¹ See Yonover, *supra* note 3, at 84.

⁸² *Id.*; LIPSTADT, *supra* note 1, at 137.

⁸³ LIPSTADT, *supra* note 1, at 138.

⁸⁴ *Id.* at 139.

⁸⁵ *Id.*; Yonover, *supra* note 3, at 84. Another survivor, Simon Weisenthal, had also filed an affidavit with the IHR, but withdrew the affidavit when the IHR insisted on its right to designate its own tribunal to judge the proof instead of allowing a judge of the California Supreme Court to preside. LIPSTADT, *supra* note 1, at 139–40. Weisenthal submitted a signed statement explaining that he would not participate in an effort in which one party was to serve as both prosecutor and judge. *Id.* at 140.

⁸⁶ LIPSTADT, *supra* note 1, at 138–39; Yonover, *supra* note 3, at 84.

⁸⁷ Yonover, *supra* note 3, at 84.

⁸⁸ LIPSTADT, *supra* note 1, at 141; Yonover, *supra* note 3, at 84–85. In July 1985, the Los Angeles Superior Court ordered the IHR to pay Mermelstein \$90,000—the \$50,000 reward plus \$40,000 for pain and suffering. LIPSTADT, *supra* note 1, at 141. The IHR also agreed to sign a letter of apology to Mermelstein for the emotional distress caused to him and all other survivors. *Id.* The fact that the judge took judicial notice “meant that Mermelstein did not have to prove these facts; rather, they were accepted by the court as truth in the same way a court accepts that water is wet, night follows day, or that George Washington was our first President.” Yonover, *supra* note 3, at 85.

interplay of the First Amendment and hate speech.⁸⁹ Such tensions distinguish the United States from other Western democracies, all of which have laws that punish various forms of Holocaust denial.⁹⁰ Unlike the debate in the United States, the debate in other Western democracies has not been *whether* to control hate speech, but rather *how* to control hate speech.⁹¹

2. Germany

Germany's approach toward Holocaust denial is more representative of the general treatment of Holocaust deniers in other Western democracies.⁹² Germany's responsibility for the Holocaust has led to the adoption of a policy that strictly denounces deniers' activities.⁹³ Indeed, denial of the Holocaust violates German law, a violation enforced by German authorities.⁹⁴ A 1985 law criminalizing Holocaust denial prohibits attacks on human dignity by incitement to hatred; dissemination of writings; and the instigation of hatred as offenses against the public peace, as well as the offenses of insult, ridicule, and defamation.⁹⁵ While many German trial courts have been reluctant to convict those charged with attacks on human dignity, the Federal Supreme Court has shown no such reluctance, going so far as to take judicial notice that the Holocaust occurred.⁹⁶

With the rise of a violent neo-Nazi youth culture following the reunification of Germany, enforcement of the law has grown increasingly strict.⁹⁷ For example, in 1999 Gunter Deckhart, leader of the right-wing National Democratic Party, organized a rally at which denier Fred Leuchter explained to the audience that there had never

⁸⁹ See generally Lasson, *supra* note 12.

⁹⁰ See *id.* at 69.

⁹¹ *Id.* at 72.

⁹² Fogo-Schensul, *supra* note 10, at 253.

⁹³ See *id.*

⁹⁴ *Id.*

⁹⁵ Einundzwanzigstes Strafrechtsänderungsgesetz 1985 Bundesgesetzblatt [BGB1] I 965 (1985) (German Criminal Code); Lasson, *supra* note 12, at 74–75. The law was motivated by the need to prosecute a large number of cases involving the “Auschwitz lie,” the claim that the extermination of the Jews never took place. Lasson, *supra* note 12, at 74.

⁹⁶ *Id.* at 75–76. This difference may be explained by the fact that the trial judges are younger and therefore less burdened by guilt about the Holocaust. *Id.* at 76.

⁹⁷ Fogo-Schensul, *supra* note 10, at 253. Additionally, in the last several years, Germany has experienced an increase in violent hate crimes perpetrated by right-wing extremists and a dramatic rise in the use of weapons and the involvement of young people. See Nier, *supra* note 70, at 243–44.

been a gas chamber at Auschwitz.⁹⁸ When Deckert translated Leuchter's speech and attempted to market it, he was convicted criminally of inciting hatred.⁹⁹

To the disappointment of many who feared the narrowing of the definition of "inciting racial hatred," Germany's highest court reversed the conviction and remanded it to the lower courts to determine whether Deckhart was guilty of inciting hatred against part of the population, ruling that it is too great a generalization to hold that publicly repeating another person's denial of the Holocaust is racial hatred.¹⁰⁰ On remand, the lower court still found Deckert guilty and reaffirmed that the Holocaust is a historical fact that not need be established by evidence in Holocaust denial cases.¹⁰¹

Faced with such active and official opposition in the United States, Canada, and Western Europe, deniers have been forced to appeal to a new audience in order to perpetuate their beliefs.¹⁰² They have found such an audience in parts of the Arab world.¹⁰³

II. EXPANSION INTO THE ARAB WORLD

*In recent years, the level of Holocaust denial in the Middle East has grown from a whisper to a roar While once the sole province of anti-Semites in the United States and Europe, Holocaust denial has become the latest propaganda tool against Israel for the anti-Jewish extremists of the Middle East.*¹⁰⁴

Given that the hostility between many Arab countries and Israel historically has spurned anti-Semitic sentiment, Arab countries pro-

⁹⁸ Nier, *supra* note 70, at 261.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 261–62. The Court distinguished between the "simple Auschwitz lie" and the "qualified Auschwitz lie." Kübler, *supra* note 72, at 344. A qualified lie is one which is deemed an attack on human dignity and punishable under criminal law, while a simple lie is the mere denial of the Holocaust, which, while insulting Jews living in Germany, is not considered to be an attack on their dignity and cannot be punished under criminal law. *Id.* In the Deckert case, the Federal Court held that it was not sufficiently established that Deckert had expressed a qualified lie. *Id.*

¹⁰¹ Nier, *supra* note 70, at 262.

¹⁰² Paul Lungen, *Holocaust Denial Finds a New Home*, CAN. JEWISH NEWS, Feb. 22, 2001, ¶ 1 at <http://www.cjnews.com/pastissues/01/feb22-01/main.asp> (last visited Jan. 11, 2003).

¹⁰³ *Id.*

¹⁰⁴ ADL, *ADL Documents Spread of Holocaust Denial in Mideast* ¶ 2, at <http://www.adl.org/presrele/holocaustdenial%5F83/4028%5F83.asp> (last visited Jan. 15, 2003) (quoting Anti-Defamation League National Director Abraham Foxman) (hereinafter ADL).

vide a fertile ground for Holocaust deniers' theories.¹⁰⁵ Hindered by legislation and litigation in the Western world, deniers recently have expanded their activities into the Arab countries of Egypt, Syria, Lebanon, and the Palestinian Authority.¹⁰⁶ Deniers have found that, as a result of the ongoing Arab-Israeli conflict, the atmosphere in the Arab world creates the ideal backdrop for Holocaust deniers to promote their propaganda.¹⁰⁷ To date, Holocaust denial appears throughout many of these countries in articles and columns by journalists, speeches and pronouncements by public figures and religious leaders,¹⁰⁸ and resolutions of professional organizations.¹⁰⁹

A. Holocaust Denial as a Form of Anti-Semitism

Holocaust-inspired anti-Semitism in Arab and other Muslim countries is not a new concept, but rather dates back to 1937 Nazi-conducted propaganda campaigns in the region.¹¹⁰ In fact, during WWII, the Palestinian Mufti of Jerusalem, Hajj Amin al-Husayni, tried to create an alliance between Nazi Germany, Fascist Italy, and Arab nationalists "for the ultimate purpose of conducting Holy War of Islam against 'international Jewry.'"¹¹¹

Since WWII, Egypt, Syria, and Iran have been accused of sheltering Nazi war criminals.¹¹² Fritz Stangl, commandant of Treblinka, lived in Damascus for several years; Alois Brunner, Adolf Eichmann's

¹⁰⁵ Eliahu Salpeter, *Fertile Soil for Holocaust Denial*, HA'ARETZ, Mar. 28, 2001, ¶ 3 (Israeli daily newspaper, on file with author); ADL, *Holocaust Denial in the Middle East: The Latest Anti-Israel, Anti-Semitic Propaganda Theme* ¶ 4, at <http://www.adl.org/holocaust/denial%5Fme/default.asp> (last visited Jan. 15, 2003) (hereinafter ADL); Lungen, *supra* note 102, ¶ 3.

¹⁰⁶ Salpeter, *supra* note 105; ADL, *supra* note 105, ¶¶ 7-8; Lungen, *supra* note 102, ¶ 14.

¹⁰⁷ See ADL, *supra* note 105, ¶ 4.

¹⁰⁸ ADL, *supra* note 104, ¶ 3. Religious leaders who have rejected the facts of the Holocaust include Sheikh Mohammad Mehdi Shamseddin of Lebanon, Sheik Ikrima Sabri of Jerusalem, and Iranian religious leader Ayatollah Ali Khamenei. *Id.*

¹⁰⁹ *Id.*

¹¹⁰ See ADL, *supra* note 105, ¶ 3; David Trafford, Australian/Israel and Jewish Affairs Council, *Beyond the Pale: Nazism, Holocaust Denial and the Arab World* ¶ 2, at http://www.aijac.org.au/review/2001/266/arab_holo.html (last visited Jan. 15, 2003). The Mufti thought that a German victory in WWII would offer much hope for success in the Palestinian fight against the Zionists and spent most of the war in Berlin coordinating German propaganda that was broadcast throughout the Arab world. Trafford, *supra*, ¶ 2. This type of alliance was not one-sided; German and Italian fascists also were involved with Arab countries during the 1940s in an attempt to encourage Arab nationalists to revolt against British power. *Id.*

¹¹¹ ADL, *supra* note 105, ¶ 6.

¹¹² *Id.* ¶ 7. Egypt, Syria, and Iran do not admit to these accusations. *Id.*

aide, spent almost all of his post-war years in Egypt and Syria, where he is still believed to live today; and Franz Bartel, assistant Gestapo chief of Katowice, along with numerous Nazi doctors, including Dr. Herbert Heim and Dr. Willerman, who were responsible for the "experiments" on concentration camp prisoners, have all been welcomed into and found employment in Egypt.¹¹³ In fact, Egypt has gone beyond merely offering refuge and asylum.¹¹⁴ Egyptian leader Gamal Abdel Nasser stated: "We will use the services of those who know the mentality of our enemies."¹¹⁵

Furthermore, some Arabs have gone so far as to embrace Nazism itself and to applaud the Nazis' attempted genocide of the Jews.¹¹⁶ A recent article in the Egyptian newspaper, *Al-Akhbar*, read: "[Give] thanks to Hitler . . . He took revenge on the Israelis in advance, on behalf of the Palestinians. Our one complaint against him was that his revenge was not complete enough."¹¹⁷

More recently, a new form of Holocaust-inspired anti-Semitism has taken shape in Arab countries, such as Syria and the Palestinian Authority, which have adopted the belief that the Holocaust never occurred.¹¹⁸ Once a longtime phenomenon found only in the West, Holocaust denial has expanded into, and is increasingly accepted by, many citizens of these Arab states.¹¹⁹

Explicit holocaust denial began in the Middle East in the late 1970s, when Western denier Ernst Zündel published a pamphlet entitled, *The West, War, and Islam*, which he sent to heads of state in several Arab countries.¹²⁰ In 1983 Palestinian Mahmoud Abbas wrote *The Other Side: The Secret Relationship Between Nazism and the Zionist Movement*, in which he claimed that far fewer than six million Jews were killed in the Holocaust.¹²¹ In the late 1980s, Moroccan Ahmed Rami

¹¹³ Trafford, *supra* note 110, ¶¶ 4-5.

¹¹⁴ *Id.* ¶ 5

¹¹⁵ *Id.* These former Nazis were employed in government agencies such as the "Jewish Department" of Egypt's war office, the Palestinian Liberation Front, and the Institute for the Study of Zionism in Cairo. *Id.*

¹¹⁶ ADL, *supra* note 105, ¶ 5.

¹¹⁷ *Id.*

¹¹⁸ *Id.* ¶ 7; Trafford, *supra* note 110, ¶ 8.

¹¹⁹ ADL, *supra* note 105, ¶¶ 5-9. Some people in Arab states, however, do voice opposition to Holocaust denial and its deliberate distortion of the historical record. *Id.*

¹²⁰ *Id.* at ¶ 10; see also Ernst Zündel, *The West, War, and Islam*, at <http://www.abbc.com/zundels/> (last visited Jan. 15, 2003).

¹²¹ ADL, *supra* note 105, ¶ 11. See generally MAHMOUD ABBAS, *THE OTHER SIDE: THE SECRET RELATIONSHIP BETWEEN NAZISM AND THE ZIONIST MOVEMENT* (1983).

publicly denied the Holocaust and founded "Radio Islam," a program and now an internet site that attacks Holocaust history.¹²²

Beginning in the 1990s, Holocaust denial began to appear in the media of many Arab countries.¹²³ For example, the July 1990 issue of the Palestinian Liberation Organization-affiliated Palestinian Red Crescent's magazine, *Balsam*, contained an article that claimed that Jews created the lie of the gas chambers in order to gain support for Israel and that the Nuremberg trials were set up fraudulently by the Jews in order to establish the Holocaust as historical fact.¹²⁴

Additionally, some Arab nations have demonstrated their ties to Western Holocaust deniers by providing assistance to those deniers facing prosecution for illegal activities in their home countries.¹²⁵ For example, Iran provided refuge to Austrian engineer Wolfgang Fröhlich, who testified on behalf of Swiss denier Jurgen Graf that it was impossible that Zyklon-B gas could be used to kill humans, when Fröhlich faced imminent arrest by the Austrian police.¹²⁶ Additionally, Graf, who was convicted of inciting racial hatred through Holocaust denial in Switzerland, fled to Iran to escape his jail sentence and is presently living "as a guest of Iranian scholars."¹²⁷

The most well-known connection between Western and Arab denial came about in response to the 1998 trial of Roger Garaudy in France.¹²⁸ Garaudy was charged with violating a French law that made it illegal to deny historical events deemed "crimes against humanity" in his book, *The Founding Myths of Modern Israel*.¹²⁹ Over the course of the trial, he was revered as a hero and received media coverage in Saudi Arabia, Qatar, Egypt, Iran, Syria, Lebanon, Jordan, and the Palestinian Authority.¹³⁰

¹²² ADL, *supra* note 105, ¶ 12. See also <http://www.radioislam.net/> (last visited Jan. 15, 2003).

¹²³ ADL, *supra* note 105, ¶ 14-15.

¹²⁴ *Id.* ¶ 13.

¹²⁵ *Id.* ¶ 16.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ ADL, *supra* note 105, ¶ 17; Lungen, *supra* note 102, ¶ 16.

¹²⁹ ADL, *supra* note 105, ¶ 17. See generally ROGER GARAUDY, *THE FOUNDING MYTHS OF MODERN ISRAEL* (2000). The Arabic translation of Garaudy's book was a best-seller in many Arab countries. ADL, *supra* note 105, ¶ 17.

¹³⁰ ADL, *supra* note 105, ¶ 17. Numerous leaders, newspapers, and professional and social organizations in the Middle East issued statements supporting Garaudy. *Id.* ¶ 18. Seven members of the Beirut Bar Association volunteered to defend Garaudy at his trial, and Egypt's Arab Lawyer's Union sent a legal team to Paris in Garaudy's support. *Id.* Additionally, the United Arab Emirates daily, *Al-Haleej*, published an appeal on Garaudy's behalf and was inundated with contributions, the most significant being \$50,000 cash from

Another significant event, with an encouraging outcome, occurred in December 2000, when the IHR announced that its fourteenth annual revisionist conference was to take place in Beirut.¹³¹ The conference's theme was "Revisionism and Zionism," and no one whose passport contained an Israeli entrance or exit sticker would be permitted to attend.¹³² Many Jewish organizations responded to the announcement with concern that the conference would result in increased anti-Semitism, and they strongly encouraged the Lebanese government to ban the conference.¹³³ In response, Lebanese Prime Minister Rafik Hariri refused to permit the conference to take place, fearing that it would tarnish Lebanon's reputation.¹³⁴

Nonetheless, in August 2002, the Arab League's Zayed Center for Coordination and Follow-up, an official think-tank of the Arab League, convened a symposium in Abu Dhabi devoted to Holocaust Denial.¹³⁵ The Zayed Center described the symposium as an effort "to counter the historical and political fallacies propagated by Israel."¹³⁶ Previously, the Zayed Center had hosted legitimate lectures by Western heads of state and diplomats, such as former President Jimmy Carter and former Vice President Al Gore.¹³⁷ The fact that the Arab League, as well as such nations as Saudi Arabia, Egypt, Syria, Lebanon, Jordan, and the Palestinian Authority, would give Holocaust denial a legitimate platform represents a critical step backwards in the effort to suppress deniers' activities.¹³⁸

B. Holocaust Denial and the Arab-Israeli Conflict

The on-going Arab-Israeli conflict provides and maintains a fertile ground for Western Holocaust deniers to expand their move-

the wife of United Arab Emirate leaders Sheikh Zayed inb Sultan al-Nahayan, given to cover the fine Garaudy would have to pay if found guilty. *Id.*

¹³¹ *Id.* ¶ 21. IHR was aided by the Swiss organization, Association Vérité et Justice, founded by denier Jurgen Graf. ADL, *supra* note 105, ¶ 21.

¹³² *Id.*

¹³³ *Id.* ¶ 22.

¹³⁴ Salpeter, *supra* note 105, ¶ 1. Fourteen Arab intellectuals signed a manifesto against the conference, which was the deciding factor leading Hariri to cancel the conference. *Id.* ¶ 2.

¹³⁵ ADL: Arab Think-Tank Labels Holocaust 'A Fable,' U.S. NEWSWIRE, Aug. 28, 2002, ¶¶ 1-2, at 2002 WL 22070884 (hereinafter *Arab Think-Tank*).

¹³⁶ *Id.* ¶ 2.

¹³⁷ *Id.* ¶ 16.

¹³⁸ See *id.* ¶ 4; Arab League Holocaust Denial Symposium Is No Surprise, *AJ Congress Says*, as It Calls on European Community to Denounce Conference, U.S. NEWSWIRE, Aug. 29, 2002, ¶ 4, at 2002 WL 22070935.

ment.¹³⁹ In 1947, responding to WWII and the Holocaust, which left hundreds of thousands of Jewish refugees scattered throughout Europe, the United Nations adopted Resolution 181, recommending the partition of Palestine into an Arab state and a Jewish state.¹⁴⁰ The State of Israel, the Jewish state, was established officially on May 14, 1948.¹⁴¹ In addition to the over 75,000 mostly illegal Jewish immigrants who had arrived in Palestine in 1945 at the end of WWII, from 1948 to 1951, there was mass immigration into the new State of Israel, with over 650,000 Jews arriving from Jewish communities in Europe, Asia, and North Africa.¹⁴²

While the Arab-Israeli conflict arguably began as early as the end of the nineteenth century, once the State of Israel was established and began to develop as a Jewish state, the "conflict was transformed as wars and policies changed the relationship between Jewish and Arab Israelis and between the State of Israel and the Palestinians living outside of the state."¹⁴³ Most recently, the Arab-Israeli conflict has been marked by suicide-bombings, retaliatory attacks, and failed agreements for peace on both sides.¹⁴⁴

Not surprisingly, the Arab perception of the Holocaust is influenced by the immediate state of the Arab-Israeli conflict.¹⁴⁵ Whenever tensions escalate between Israel and its Arab neighbors, there is a correlating increase in declarations denying the Holocaust, "as if the denial of the Holocaust automatically eliminates Israel's raison d'être."¹⁴⁶ Similarly, whenever Israeli and Palestinian negotiators move toward a permanent peace settlement, Holocaust denial increases throughout the Arab world.¹⁴⁷

In some Arab and Muslim countries, such as Jordan and Lebanon, only opposition parties and dissident factions that denounce any form of relations with Israel have adopted denial; denial, then, is employed to discredit their government rivals and increase popular ha-

¹³⁹ See Salpeter, *supra* note 105, ¶¶ 3.6.

¹⁴⁰ CALVIN GOLDSCHIEDER, CULTURES IN CONFLICT: THE ARAB-ISRAELI CONFLICT, at xix, 3 (2002).

¹⁴¹ *Id.* at xix.

¹⁴² *Id.*

¹⁴³ *Id.* at 3.

¹⁴⁴ See generally *id.* (outlining the Arab-Israeli Conflict).

¹⁴⁵ See generally GOLDSCHIEDER, *supra* note 140.

¹⁴⁶ Salpeter, *supra* note 105, ¶ 3.

¹⁴⁷ David A. Harris, *Peace and Poison in the Middle East*, WASH. POST, May 2, 2000, at A23, available at 2000 WL 19606705.

tred of Israel.¹⁴⁸ In other countries, including Iran, Syria, and the Palestinian Authority, the national government itself sponsors Holocaust denial.¹⁴⁹ For example, the Iranian government provides refuge for Western Holocaust deniers escaping legal prosecution.¹⁵⁰ During the Pope's historic pilgrimage to Israel in 2000, Sabri, the mufti of Jerusalem, publicly reiterated his belief that the Holocaust is a myth.¹⁵¹ In addition, the government-controlled newspapers of Syria, Egypt, Lebanon, and the Palestinian Authority espouse the view that the Holocaust never happened.¹⁵² Specifically, *Teshreen*, the Syrian daily newspaper owned and operated by the ruling Baath party, and *Al-Hayat Al-Jadeeda*, the newspaper controlled by the Palestinian authority, print numerous expressions of Holocaust denial.¹⁵³ It is interesting to note that Holocaust denial only rarely appears in the media of Arab countries, such as Kuwait, the United Arab Emirates, and Qatar, which have taken steps to normalize relations with Israel. The previous examples of denial activity in Iran, Syria, and the Palestinian Authority, however, suggest that the governments of some Arab and Muslim countries both support and sponsor Holocaust denial and deniers' activities.¹⁵⁴

III. THE UNIQUE PROBLEMS OF A GOVERNMENT-SPONSORED MEDIA

Holocaust denial by the governments of some Arab countries creates a unique problem.¹⁵⁵ Unlike the United States, Canadian, and Western European governments, which openly and actively condemn hate speech, the governments of some Arab and Muslim countries, such as Syria, Iran, and the Palestinian Authority, support, and even

¹⁴⁸ ADL, *supra* note 105, ¶ 8. Opposition groups allege that their government rivals have been "taken in" by Israeli Holocaust propaganda. *Id.*

¹⁴⁹ *Id.* ¶ 7.

¹⁵⁰ *Id.* Additionally, in 2001, Iranian leader Ayatollah Ali Khamenei claimed that the statistics of Jewish deaths during the Holocaust were exaggerated. *Id.*

¹⁵¹ David A. Harris, *An Effort to Erase Jewish History*, BOSTON GLOBE, Apr. 7, 2001, at A77, available at 2001 WL 3927864.

¹⁵² Yossi Klein Halevi, *The Dance of Death*, PITT. POST-GAZETTE, May 20, 2001, at E1, available at 2001 WL 3390596.

¹⁵³ ADL, *supra* note 105, ¶ 7. For example, Hiri Manzour, columnist for the *Al Hayat al Jadeeda* wrote, "The figure of 6 million Jews cremated in the Nazi Auschwitz camps is a lie for propaganda." Halevi, *supra* note 152. In addition, other newspapers such as *Al-Arab Al-Yom*, the Jordanian daily, consistently feature Holocaust denial. ADL, *supra* note 105, ¶ 16. *Id.* ¶ 9; Harris, *supra* note 147, at A23.

¹⁵⁴ ADL, *supra* note 105, ¶¶ 7-8.

¹⁵⁵ See ADL, *supra* note 104, ¶ 3.

sponsor, Holocaust denial.¹⁵⁶ Government support of denial in these countries has contributed to the dearth of legal responses to address denial and its damaging impacts.¹⁵⁷ As a result, the international community must monitor denial activity in those nations that lack legal remedies to combat Holocaust denial on their own.¹⁵⁸

A. Government-Sponsored Media

Holocaust denial in certain parts of the Arab and Muslim world has been disseminated by political leaders and government-sponsored media.¹⁵⁹ State-dominated media in Arab countries is a controversial topic, given that the state has historically dominated both government-owned and private media outlets.¹⁶⁰ Prior to the mid-nineteenth century, newspapers existed solely as a governmental tool for the Turkish Ottoman Empire, which controlled the region.¹⁶¹ Independent Arab written press did not appear until the 1860s in Egypt.¹⁶² With the dismantling of the Ottoman Empire and the establishment of French and English colonialism, Europeans established a new press.¹⁶³

After 1945 the press became an instrument in the fight for national independence, and many nationalist journalists were imprisoned, tortured, and exiled by the colonial authorities because of their nationalist publications.¹⁶⁴ Once the Arab states gained independence, the independent press was abolished in most countries in favor of a nationalized press, and the only journalists who could write freely were those who had set up base in European countries.¹⁶⁵ During the Cold War, any limited amount of journalistic independence that existed suffered setbacks, as rulers eliminated the ability of journalists to

¹⁵⁶ See *id.*

¹⁵⁷ See ADL, *supra* note 104, ¶ 3.

¹⁵⁸ See Fogo-Schensul, *supra* note 10, at 271; Kübler, *supra* note 72, at 356; Abdulaziz Al-Saqqaf, Center for Media Freedom Middle East and Northern Africa (CMFMENA), *After the Sana'a Declaration: The Fate of the Arab Media* ¶ 9, at http://www.cmfmna.org/magazine/features/after_sana%27a_declaration.htm (last visited Jan. 15, 2003).

¹⁵⁹ ADL, *supra* note 105, ¶ 7; Gamla Shall Not Fall Again!, *Widespread Arab Incitement Continues Against Jews and Israelis* ¶ 1, at <http://www.gamla.org.il/english/article/2000/may/a1.htm> (last visited Jan. 15, 2003).

¹⁶⁰ Al-Saqqaf, *supra* note 158, ¶ 1. See Said Essoulami, CMFMENA, *The Press in the Arab World: 100 Years of Suppressed Freedom* ¶ 1, at http://www.cmfmna.org/magazine/features/100_years.htm (last visited Jan. 15, 2003).

¹⁶¹ Essoulami, *supra* note 160, ¶ 2.

¹⁶² *Id.*

¹⁶³ *Id.* ¶ 6.

¹⁶⁴ *Id.* ¶ 7.

¹⁶⁵ *Id.* ¶ 8.

be “watchdogs,” and instead gave journalists the role of glorifying and legitimatising their regimes.¹⁶⁶ The Gulf War extended Arab government media control beyond newspapers.¹⁶⁷ Upon seeing the impact that CNN had on an international level, many Arab countries launched their own national television networks.¹⁶⁸ Most Arab countries still control their media today, and many Arab journalists who attempt to break away from state domination continue to be imprisoned or tortured.¹⁶⁹

B. *International Remedies*

Given the reality of state-dominated media in most Arab countries, there may be no internal mechanisms in place in those countries to stop the spread of Holocaust denial.¹⁷⁰ Therefore, the international community must intervene and take necessary action to tackle Holocaust denial in the Arab world by enforcing international human rights standards and promoting the dissemination of truthful information.¹⁷¹

The international community has taken a strong stance on the protection of human rights.¹⁷² The horrors of WWII led to a determination to protect human rights in international law.¹⁷³ Article 55(c) of the United Nations (UN) Charter, signed in 1945 by the Allied powers, calls for “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”¹⁷⁴ Articles 55 and 56 are regarded as enabling provisions, vesting the UN with the power to establish human rights norms and giving the General Assembly the authority to initiate stud-

¹⁶⁶ Al-Saqqaf, *supra* note 158, ¶ 1.

¹⁶⁷ Essoulami, *supra* note 160, ¶ 12-13.

¹⁶⁸ *Id.* ¶ 16.

¹⁶⁹ *Id.* In the absence of direct censorship, many Arab governments manipulate the media indirectly through financing. Al-Saqqaf, *supra* note 158, ¶ 7. More than fifteen journalists are currently imprisoned in Syria, Tunisia, Kuwait, and Iraq. *Id.* at 7. There are no organizations to protect the rights of journalists or the right of freedom of expression. Abdellhadi Khawadja, CMFMENA, *Bahrain: The Human Rights Crisis in the Media* ¶ 1, at http://www.cmfmna.org/magazine/features/human_rights.htm (last visited Jan. 15, 2003).

¹⁷⁰ See ADL, *supra* note 105, ¶ 7, 9; Salpeter, *supra* note 105, ¶ 5.

¹⁷¹ See Fogo-Schensul, *supra* note 10, at 271; Kübler, *supra*, note 72, at 356.

¹⁷² See Fogo-Schensul, *supra* note 10, at 255.

¹⁷³ See *id.* at 95.

¹⁷⁴ *Id.*

ies and make recommendations in order to promote respect of human rights.¹⁷⁵

In 1948 the UN used its power to produce the Universal Declaration of Human Rights.¹⁷⁶ The Universal Declaration of Human Rights declares that "[all] are entitled to equal protection . . . against any incitement to . . . discrimination," and that no one may "engage in any activity or . . . perform any act aimed at the destruction of any of the rights or freedom set forth therein."¹⁷⁷ Although the Declaration was not a binding legal instrument, but a multilateral "soft" law instrument intended to set forth a common standard of achievement, over fifty years later, "the 'soft' law has . . . hardened into international legal obligation."¹⁷⁸ The provisions concerning civil and political rights are recognized as human rights norms in customary international law.¹⁷⁹ Simultaneously, the Declaration has been turned into a binding legal instrument through the adoption of global treaties¹⁸⁰ that establish universal norms and through the creation of regional regimes.¹⁸¹

Specifically, in 1967 the UN adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights.¹⁸² Although some countries have failed to ratify these human rights instruments, customary international law norms instruct that any country engaged in a systematic policy of abusing the rights of their citizens is considered to have violated these instruments, whether ratified or not.¹⁸³ Additionally, re-

¹⁷⁵ *Id.*; Marjorie L. Morton, *Hitler's Ghosts: The Interplay Between International Organizations and Their Member States in Response to the Rise of Neo-Nazism in Society and Government*, 30 GA. J. INT'L & COMP. L. 71, 82 (2001). See Fogo-Schensul, *supra* note 10, at 8.

¹⁷⁶ See DAVID BEDERMAN, *INTERNATIONAL LAW FRAMEWORKS* 95 (2001).

¹⁷⁷ Universal Declaration of Human Rights, G.A. Res. 217, U.N. Doc. A/810, at 73, 77 (1948), available at <http://www.unhchr.ch/udhr/lang/eng.pdf> (last visited Jan. 15, 2003) (hereinafter UDHR).

¹⁷⁸ BEDERMAN, *supra* note 176, at 96.

¹⁷⁹ *Id.* Customary international law is one of the four sources of international law defined in Article 38 of the Statute of the International Court of Justice. *Id.* at 12. Formation of a customary international law occurs when a rule has been followed as general practice and has been accepted as law. *Id.* at 15.

¹⁸⁰ *Id.* at 96; Morton, *supra* note 175, at 86; Office of the High Commissioner for Human Rights, *Introduction to the Treaty Monitoring Bodies* ¶¶ 2-3, at <http://www.unhchr.ch/html/menu2/6/intro.htm> (last visited Jan. 15, 2003).

¹⁸¹ BEDERMAN, *supra* note 176, at 96; Morton, *supra* note 175, at 86.

¹⁸² BEDERMAN, *supra* note 176, at 97. Arab and Muslim countries such as the Syrian Arab Republic, Lebanon, Iraq, Iran, and Egypt are parties to these treaties. Office of the United Nations High Commissioner for Human Rights, *Status of Ratification of the Principle International Human Rights Treaties* 4, 5, 8, at <http://www.unhchr.ch/pdf/report.pdf> (last visited Jan. 15, 2003) (hereinafter OUNHCHR).

¹⁸³ BEDERMAN, *supra* note 176, at 98.

gional human rights bodies developed at the end of WWII, including the Council of Europe,¹⁸⁴ the Organization of American States, and the Organization for African Unity.¹⁸⁵

Despite a clear commitment to human rights, such as the protection against hate crimes, the UN has stopped short of defining human rights in specific terms and establishing effective rights enforcement mechanisms.¹⁸⁶ Likewise, the Universal Declaration of Human Rights does not clearly define the extent of ratifying nations' responsibilities, and its generality creates problems for dealing with national incidents.¹⁸⁷ Nowhere in the Declaration is there a specific reference to hate crimes; rather, perpetrations of hate crimes are inferred to violate the Declaration because, in an ambiguous sense, hate crimes hinder the protection of human rights.¹⁸⁸

The international community has attempted to fashion various enforcement mechanisms for human rights.¹⁸⁹ These attempts may provide a useful model for dealing with Holocaust denial in Arab countries.¹⁹⁰ For example, beginning in the 1820's, the international community banned slavery and the slave trade; to enforce the ban, all states were required to take measures to suppress slavery, to release all enslaved persons, and to prosecute those engaged in slavery.¹⁹¹ Thus, an international obligation was imposed on all states, and universal jurisdiction was prescribed to allow any state to prosecute individuals suspected of being engaged in the slave trade.¹⁹²

A further example is modeled in the ICCPR, which sets forth a variety of new approaches to the enforcement of human rights norms.¹⁹³ One such approach is the requirement that states' parties submit reports to the UN Human Rights Committee every five years

¹⁸⁴ *Id.* at 99. The Council includes as members all countries in Western Europe, central and Eastern Europe, the former Soviet Union, and Turkey. *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.* at 103; Morton, *supra* note 175, at 82.

¹⁸⁷ Morton, *supra* note 175, at 82-83.

¹⁸⁸ *Id.* Article 29 of the Declaration states: "These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations." *Id.*; UDHR, *supra* note 177, art. 29. Because the protection of human rights is a primary UN purpose, hate crimes are inferred to violate the Declaration. Morton, *supra* note 175, at 83. Such a general rule is very difficult to apply to a specific incident of harm. *Id.*

¹⁸⁹ BEDERMAN, *supra* note 176, at 103.

¹⁹⁰ *See id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.* at 104-05.

evidencing their compliance with the ICCPR Covenant.¹⁹⁴ This requirement promotes transparency of states' actions to protect human rights and gives human rights advocates the opportunity to spotlight countries' human rights abuses in order to urge for change.¹⁹⁵ The ICCPR was also the first to develop a method for individual human rights complaints.¹⁹⁶ Unfortunately, the reporting procedure contains many hurdles and is only an optional protocol to which merely ninety-five nations have signed, notably, none of the Arab states.¹⁹⁷

The Commission on Human Rights and the Economic and Social Council, however, has established extra-conventional reporting mechanisms.¹⁹⁸ These mechanisms are entrusted to either "working groups," composed of experts acting in their individual capacity, or to independent individuals designated "special rapporteurs," who are mandated to examine, monitor, and publicly report on human rights situations in specific countries or territories or on major phenomena of human rights violations worldwide.¹⁹⁹

The European Convention on Human Rights (ECHR) provides another enforcement model.²⁰⁰ The ECHR has created the most sophisticated procedural mechanisms for adjudicating human rights disputes, including a Council of Ministers to conciliate disputes, a Human Rights Commission to investigate and filter human rights complaints, and a Court of Human Rights to adjudicate human rights

¹⁹⁴ BEDERMAN, *supra* note 176, at 105.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*; OUNHCHR, *supra* note 182, at 2–9. To file a complaint, there must be an identified, individual victim (not anonymously or through human rights NGOs), there must be a violation of specific rights guaranteed under the ICCPR without reservations by the States, and local remedies must be exhausted. BEDERMAN, *supra* note 176, at 105.

¹⁹⁸ Office of the High Commissioner for Human Rights, *Extra-conventional Mechanisms* ¶ 1, at <http://www.unhchr.ch/html/menu2/2/mechanisms.htm> (last visited Jan. 15, 2003).

¹⁹⁹ *Id.* Extra-conventional mechanisms, unlike mechanisms set-forth in treaty-based bodies, have no formal complaints procedures, but are based on communications received from various sources such as the victims or their relatives, or local and international NGOs. Office of the High Commissioner for Human Rights, *Communications Under Extra-conventional Mechanisms* ¶ 1, at http://www.unhcr.ch/html/menu2/8/ex_conv.htm (last visited Jan. 15, 2003). To submit a communication to the extra-conventional mechanisms, there must be an identification of the alleged victim, an identification of the perpetrators of the violation, an identification of the person or organization submitting the communication (not anonymous), and a detailed description of the circumstances of the incident in which the alleged violation occurred. *Id.* ¶ 2. In addition, the communications will not be considered if they are also submitted under the optional protocol. *Id.* ¶ 3.

²⁰⁰ BEDERMAN, *supra* note 176, at 106.

cases.²⁰¹ Furthermore, the decisions of these institutions are "self-executing," such that they have an immediate effect.²⁰² A final enforcement model is that of direct action by states.²⁰³ In this model, states collectively punish other states involved in human rights abuses by, for example, breaking off diplomatic relations with the state or imposing economic restrictions on the state.²⁰⁴

While inherent problems exist in applying any one of these models in isolation to enforce human rights violations in Arab countries, a combination of more effective international human rights institutions, more timely complaint processes, and more forcible international insistence that states respect human dignity may be effective in situations in which political leaders and state-dominated media are condoning and perpetrating Holocaust denial.²⁰⁵

A further remedy for dealing with Holocaust denial may be for the international community to rally against state-dominated media and in favor of independent press.²⁰⁶ In addition to the international community's proclaimed protection of human rights, there is an international consensus that freedom of expression is a fundamental human right that must be guarded from suppression by governments, as seen in Article 19 of both the Declaration and the ICCPR.²⁰⁷ The Declaration guarantees "freedom of opinion and expression . . . [and] to seek, receive and impart information and ideas through any media and regardless of frontiers."²⁰⁸

A free, unbiased media, in which articles are not published solely as political tools and where truthful reporting can exist, may greatly curb Holocaust denial.²⁰⁹ Consistent with the Declaration, the international community did finally take interest in the suppressed Arab

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.* at 108. A good example is the decade-long imposition of trade sanctions by the U.S. against the white-dominated South Africa. BEDERMAN, *supra* note 176, at 108.

²⁰⁵ *See id.* at 109.

²⁰⁶ *See* Al-Saqqaf, *supra* note 158, ¶ 9.

²⁰⁷ Fogo-Schensul, *supra* note 10, at 256; United Nations, *Fact Sheet No. 2 (Rev. 1)* ¶ 7, *The International Bill of Human Rights*, at <http://www.unhchr.ch/html/menu6/2/fs2.htm> (last visited Jan. 15, 2003); UDHR, art. 19, *supra* note 177.

²⁰⁸ Fogo-Schensul, *supra* note 10, at 256; UDHR, art. 19, *supra* note 177. While the Universal Declaration is not a lawmaking document but rather a General Assembly resolution, many international and domestic tribunals have relied upon it, giving it the status of international customary law to which all states are bound. Fogo-Schensul, *supra* note 10, at 256.

²⁰⁹ *See* Al-Saqqaf, *supra* note 158, ¶¶ 6–7; Essoulami, *supra* note 160, ¶ 1.

media at the end of the Cold War by requiring the observance of press freedom as a condition to the receipt of foreign aid and assistance for development.²¹⁰ While there is international law supporting media freedom, and although the international community is interested in the growth of an independent and pluralist media, only a very limited number of active steps have been taken to end media oppression in the Middle East.²¹¹

CONCLUSION

Holocaust denial is incredibly disturbing in the United States, Canada, and Western Europe, where it is condemned and sometimes punishable by law. The problem rises to an even greater level in those Arab and Muslim nations where the government supports and assists the spread of Holocaust denial through state-controlled media.²¹² The international community, which has articulated its commitment to human rights and freedom of expression, must intervene in those nations and implement enforcement mechanisms to controvert Holocaust denial.²¹³ Holocaust denial can no longer be considered a harmless phenomenon.²¹⁴ Especially where Western deniers have infiltrated the Arab world, Holocaust denial as a form of hatred and anti-Semitism must be taken seriously.²¹⁵

As the Arab-Israeli conflict turns more deadly each day, it is frightening to think that Holocaust denial is being employed as a propaganda tool to fuel the continuation of hatred in the region.²¹⁶ There is a link between many Arab citizens' negative perceptions of Israel and "the daily venom fed them through Arab media and school curriculum" sanctioned by regional Arab governments.²¹⁷ That the

²¹⁰ Al-Saqqaf, *supra* note 158, ¶ 9.

²¹¹ *See id.*

²¹² ADL, *supra* note 105, ¶¶ 7–9.

²¹³ *See* Fogo-Schensul, *supra* note 10, at 255–58; Kübler, *supra* note 72, at 356–58; Al-Saqqaf, *supra* note 158, ¶ 9.

²¹⁴ *See* LIPSTADT, *supra* note 1, at xi; ADL, *supra* note 105, ¶¶ 16–17.

²¹⁵ ADL, *supra* note 105, ¶¶ 12–15.

²¹⁶ *See* Abraham H. Foxman, *Arab Anti-Semitism and the Arab-Israeli Conflict* ¶ 3, at http://www.adl.org/israel/ArabAntisemitism_oped.asp (last visited Jan. 15, 2003); Harris, *supra* note 147, at A23.

²¹⁷ Harris, *supra* note 147, at A23. Harris, Executive Director of the American Jewish Committee, writes: "This extraordinary paradox of Israeli and Arab political leaders attempting to build peace while official Arab media, schools, religious leaders, and intellectuals actively demonize the Jewish people is startling." *Id.* at A23. A study conducted by the Middle East Media Research Institute found that Syrian textbooks for grades four through

Holocaust did not occur has become something of a truism for many Arabs, who are denied accurate information, taught as young children that the Holocaust is a myth created by the Jews, and barraged daily with media that is akin to brainwashing.²¹⁸ As an article in *Teshreen* reads:

Zionism hides in the dark chapters of its black history. It invents stories regarding the Nazi Holocaust in which the Jews suffered and inflates them to astronomic proportions The problem is not in the Zionist ambition to forge history, but rather in the Zionist organizations' ambitions to revive their distorted version of history and use it to deceive international public opinion, win its empathy, and blackmail it Israel and the Zionist organizations strive for two goals: first, to be granted more funds from Germany and European states and institutions; second, they want to use the legend of the Holocaust as a sword hanging over the necks of all those who oppose Zionism who are accused of anti-Semitism Israel, that presents itself as the heir of Holocaust victims, has committed and still commits much more terrible crimes than those committed by the Nazis. The Nazis did not expel a whole nation nor buried prisoners alive, as the Zionists did.²¹⁹

How could anyone read articles like this on a daily basis and, without information to the contrary, fail to believe that this is the truth? Misinformed Arab citizens represent yet another group of victims in the Arab-Israeli conflict. In dealing with the ongoing conflict between Arabs and Israelis, the international community must investigate Holocaust denial as a form of propaganda in the conflict and take steps to hinder its promulgation in the Arab world. Only then can the Jewish community—and the world—rest assured that Holocaust survivor's stories will never be lost.

eleven were filled with anti-Semitism, Holocaust denial, demonization of Israel, and an open call to exterminate Jews. *Id.*

²¹⁸ See *id.*

²¹⁹ ADL, *supra* note 105, at *In Their Own Words*, quote 10. *Teshreen* is Syria's leading daily newspaper. *Id.*